

Inter Domina^m Regina^m

E T

Gawen Mason,

Upon a Writ of Error, brought

*by Mason to reverse a Judgment given
in the Queen's-Bench, touching the Of-
fice of Warden of the Fleet-Prison.*

T H E

CASE upon the Judgment for HER MAJESTY.

8 Aug. 1698.

AN Inquisition was taken, and thereby it was found (*inter al'*) that one *Anthony Church*, the 22th of *May*, 1695, was admitted Warden of the *Fleet*, and continued so till the 28th of *September*, 1697, and suffered several voluntary Escapes therein, and was that Day duly amoved; and that *William Weedon Ford*, eodem 28 *Septembris*, was admitted Warden, and was seized in Fee of the said Office, *cum pertinentiis*, and that he had committed several Offences, and suffered several voluntary Escapes, and particularly one of *Richard Spencer*, who was in Execution for 5012*l.* 14*s.*

FORD appeared in the *Petty-Bag-Office*, in *Chancery*, traversed the Inquisition, and pleaded *Not Guilty* to the Escapes and Offences committed by him; and the Record was transmitted into the *Queen's-Bench*, there to be tried upon the Issues joined in the *Chancery*, and upon such Tryal, *Ford* was found guilty of *Spencer's* Escape, and Judgment was thereupon given by the Court of *Queen's-Bench*, that the Office should be seized into HER MAJESTY's Hands; and upon a *Writ of Error*, Judgment was affirmed in Parliament, the 19th of *December*, 1704.

17 April,
1700.

GAWEN MASON, in the *Petty-Bag*, brought his *Monstrans de Droit*, and therein declared, that before *Anthony Church* was Warden of the *Fleet*, he, the said *Mason*, was seized of the said Office, with its Appurtenances, *ut de Feodo & Jure*; and that 22 *May*, 1695, he granted the Office to *Church* for Life. That *Church* entred, having an Estate for Life, the Reversion to *Mason*, and *Church* enjoyed the Office till the 28th of *September*, 1697. That upon Colour of some Assignment from *Church*, who was then living, *Ford*, that Day, took upon him the Execution of the said Office, and remained therein till the taking the Inquisition, and traverses, that *Ford* was seized in Fee, as found by the Inquisition, and therefore prayed that the King's Hands might be amoved.

TO this *Monstrans de Droit*, the then Attorney General, (now Lord Chief Justice *Trevor*) demurred, and *Mason* joined in Demurrer, and the Record of the *Monstrans de Droit*, (but not the Inquisition) was sent into the Court of *Queen's-Bench*, there to be determined, and it was not pretended but that *Mason's* Declaration was ill, not having sufficiently entituled himself to that Office, which must be before he can question the Title of the Crown; however, he offered to take Exceptions to the Inquisition.

Trinity-Term,
1710.

THE Judges of the Court of *Queen's-Bench* unanimously gave Judgment against *Mason*, That he should take nothing by his *Monstrans de Droit*, for that he had not shewed sufficient Title in himself; and therefore, had the Inquisition been in Court, (as it was not) he had no right to take Exceptions against the same.

Which Judgment 'tis humbly hoped Your Lordships will affirm.

Edw. Northey,

Rob. Raymond.